

## Message Text

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ACTION SCI-06

INFO OCT-01 IO-14 ISO-00 ACDA-19 CIAE-00 DODE-00 PM-07

H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01

SP-03 SS-20 USIA-15 OMB-01 FEA-02 AF-10 ARA-16 EA-11

EUR-25 NEA-10 DRC-01 /190 W  
----- 019109

R 091447Z APR 74

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 4199

INFO AEC GERMANTOWN

C O N F I D E N T I A L IAEA VIENNA 3175

E.O. 11652: GDS

TAGS: PARM, IAEA, US

SUBJECT: U.S. VOLUNTARY OFFER SAFEGUARDS AGREEMENT

REF: (A) STATE 58028; (B) STATE 67963

SUMMARY: IN SIXTH NEGOTIATING SESSION, U.S. REACTION GIVEN PER REFTELS TO IAEA SUGGESTIONS ON DRAFT TEXT. IAEA PRESENTED SUGGESTED REFORMULATION IN ARTICLES 1(A), 2(A) AND 28 OF AGREEMENT. IAEA CONTINUING STUDY OF BALANCE OF AGREEMENT BUT WILL BE UNABLE REACH FINAL CONCLUSIONS PENDING AGREEMENT ON THOSE PROVISIONS. NEXT SESSION TENTATIVELY SCHEDULED EITHER WEEK OF JUNE 17 OR JUNE 23. ACTION REQUESTED: GUIDANCE RE IAEA'S PROPOSALS. END SUMMARY.

1. RAMES SAID THAT LEGAL DIVISION HAD NO DIFFICULTY WITH BASIC CONCEPT OF U.S. DRAFT ON DEC 3, 1973, BUT THOUGHT FORMULATION OF CERTAIN ARTICLES WAS TAUTOLOGICAL BY IMPLYING THAT PURPOSE OF SAFEGUARDS WAS TO APPLY SAFEGUARDS PROCEDURES. THEY FELT THAT AN IMPRESSION THAT APPLICATION OF SAFEGUARDS WAS AN END IN ITSELF WOULD VITIATE THE CONCEPT OF SAFEGUARDS; A  
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VALID PURPOSE MUST BE STATED. HE STRESSED THEY WERE

NOT RPT NOT SUGGESTING CHANGE IN ARTICLE 3(C) AND THAT INTENT OF IAEA'S COUNTERPROPOSALS WAS TO MAKE OTHER ARTICLES CONSISTENT WITH THAT PROVISION. AT SAME TIME, COUNTERPROPOSALS WOULD RESULT IN FORMULATIONS CLOSER TO THOSE OF INFCIRC/153.

2. IAEA PROPOSED TEXT OF ARTICLE 1(A) IS:

QUOTE. THE UNITED STATES UNDERTAKES TO PERMIT THE AGENCY TO APPLY SAFEGUARDS, IN ACCORDANCE WITH THE TERMS OF THIS AGREEMENT, ON ALL SOURCE OR SPECIAL FISSIONABLE MATERIAL IN ALL FACILITIES WITHIN THE UNITED STATES, EXCLUDING ONLY THOSE FACILITIES ASSOCIATED WITH ACTIVITIES WITH DIRECT NATIONAL SECURITY SIGNIFICANCE TO THE UNITED STATES, WITH A VIEW TO ENABLING THE AGENCY TO VERIFY THAT SUCH MATERIAL IS NOT DIVERTED FROM ACTIVITIES IN FACILITIES WHICH APPEAR IN THE LIST ESTABLISHED AND MAINTAINED BY THE UNITED STATES IN ACCORDANCE WITH ARTICLE 1(B). UNQUOTE.

3. IAEA PROPOSED TEXT OF ARTICLE 2(A) IS:

QUOTE. THE AGENCY SHALL HAVE THE RIGHT TO APPLY SAFEGUARDS, IN ACCORANCE WITH THE TERMS OF THIS AGREEMENT, ON ALL SOURCE OR SPECIAL FISSIONABLE MATERIAL IN ALL FACILITIES WITHIN THE UNITED STATES, EXCLUDING ONLY THOSE FACILITIES ASSOCIATED WITH ACTIVITIES WIH DIRECT NATIONAL SECURITY SIGNIFICANCE TO THE UNITED STATES, WITH A VIEW TO ENABLING THE AGENCY TO VERIFY THAT SUCH MATERIAL IS NOT DIVERTED FROM ACTIVITIES IN FACILITIES WHICH APPEAR IN THE LIST ESTABLISHED AND MAINTAINED BY THE UNITED STATES IN ACCORDANCE WITH ARTICLE 1(B). UNQUOTE.

4. IAEA PROPOSED TEXT OF ARTICLE 28 IS:

QUOTE. THE OBJECTIVE OF THE SAFEGUARDS PROCEDURES SET FORTH IN THIS PART OF THE AGREEMENT IS THE TIMELY DETECTION OF DIVERSION OF SIGNIFICANT QUANTITIES OF NUCLEAR MATERIAL FROM ACTIVITIES IN FACILITIES IDENTIFIED BY THE AGENCY IN ACCORDANCE WITH ARTICLE 2(B). UNQUOTE.

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5. ARTICLES 1(B), 2(B) AND (C) AND ALL OF ARTICLE 3 WOULD REMAIN AS IN 12/3/73 U.S. DRAFT.

6. RAMES EXPLAINED THAT REFERENCES TO "DIVERSION" IN THE PROPOSED TEXTS MUST BE READ IN LIGHT OF THE RIGHT OF THE U.S. (PER ARTICLE 12 OF 12/3/73 U.S. DRAFT) TO TRANSFER NUCLEAR MATERIAL, SUBJECT TO SAFEGUARDS UNDER AGREEMENT, OUTSIDE A SELECTED FACILITY, FOLLOWING

WHICH AGENCY TERMINATES SAFEGUARDS ON TRANSFERRED MATERIAL. EXERCISE SUCH RIGHT WOULD NOT RPT NOT BE "DIVERSION" . HE ALSO EXPLAINED THAT PHRASE "SIGNIFICANT QUANTITIES" IN PROPOSED TEXT OF ART. 28 IS UNDERSTOOD BY AGENCY TO MEAN AN AMOUNT OF MUF IN FACILITY WHICH EXCEEDS THE MUF IN SIMILAR FACILITIES IN NNWS'S, CONTAINING SIMILAR MATERIAL.

7. RAMES STRESSED THAT ANTICIPATED END RESULT OF PROPOSED REFORMULATIONS WOULD BE "EQUAL TREATMENT" OF SIMILAR FACILITIES IN U.S. AND NNWS'S AS CALLED FOR IN ARTICLE 3(C).

8. POINT WAS MADE BY IAEA TEAM THAT AGENCY WAS NOT RPT NOT SPEAKING AND COULD NOT RPT NOT SPEAK FOR "ADDRESSEES" OF U.S. OFFER. FINALLY, IT WAS NOTED THAT AGENCY RESERVED FINAL COMMENTS ON BALANCE OF TEXTS PENDING AGREEMENT ON TEXTS ARTICLES 1, 2 AND 28. INFORMALLY, LOPEZ-MENCHERO AND RAMES EXPRESSED VIEW FURTHER MAJOR AGENCY PROPOSALS UNLIKELY.

9. COMMENT: MISSION'S REACTION TO AGENCY PROPOSALS PARA 2, 3 AND 4 ABOVE, AS EXPLAINED BY RAMES, IS THAT THEY HAVE MADE SINCERE EFFORT MEET AN INTERNAL PROBLEM IN MANNER CONSISTENT WITH CONCEPTS SET FORTH IN 12/3/73 U.S. DRAFT. WE RECOMMEND ACCEPTANCE PROPOSED TEXTS, PROVIDED THAT APPROPRIATE EXPLANATIONS RE "DIVERSION" AND "SIGNIFICANT QUANTITIES" ARE MADE MATTER OF RECORD.PORTER

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NUCLEAR AGREEMENTS, AGREEMENT DRAFT, NUCLEAR SAFEGUARDS, NEGOTIATIONS  
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**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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**Disposition Reason:**  
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**Executive Order:** GS  
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**Page Count:** 3  
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**Previous Handling Restrictions:** n/a  
**Reference:** (A) STATE 58028; (B) STATE 67963  
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**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 20 MAR 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <20 MAR 2002 by collinp0>; APPROVED <06 MAY 2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** U.S. VOLUNTARY OFFER SAFEGUARDS AGREEMENT  
**TAGS:** PARM, US, IAEA  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005